

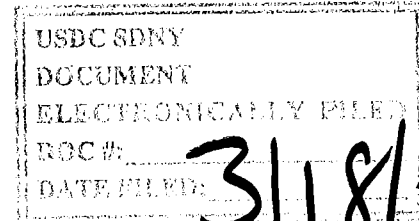
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RALPH LEPINO,

Plaintiff,

v.

TOWN/VILLAGE OF HARRISON; ROBERT J.
CARLUCCI, in his individual and official
capacity; and MATTHEW FITZGERALD, in his
individual and official capacity,
Defendants.
-----X



ORDER

21 CV 6874 (VB)

As discussed at a telephone conference held on the record today, at which counsel for all parties attended, it is HEREBY ORDERED:

1. The discovery dispute (Docs. ##66, 68) is resolved as stated on the record. The motion for a protective order is denied, and the deposition of Police Chief John T. Vasta shall be limited to two hours.

2. For the reasons stated on the record, the partial motion to dismiss the amended complaint (Doc. #47) is GRANTED IN PART and DENIED IN PART as follows.

- a. The motion to dismiss the Second Cause of Action as to defendant Matthew Fitzgerald is DENIED.
- b. The motion to dismiss the Second Cause of Action as to defendant Town/Village of Harrison is GRANTED, and the Second Cause of Action is DISMISSED as to the Town/Village of Harrison.

3. Defendants Town/Village of Harrison and Matthew Fitzgerald shall answer the amended complaint by **April 1, 2022**.

4. The Clerk is directed to terminate the motion. (Doc. #47).

Dated: March 18, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge